

**Notice of Allowability**

Application No.

09/843,148

Examiner

Gabriel L. Chu

Applicant(s)

GOLD ET AL

Art Unit

2114

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5 January 2005.
2. ☒ The allowed claim(s) is/are 1-24.
3. ☒ The drawings filed on 27 April 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
- ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
- ☒ Examiner's Amendment/Comment
- ☐ Examiner's Statement of Reasons for Allowance
- ☐ Other \_\_\_\_\_

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Allan M. Lowe on 10 March 2005.

The application has been amended as follows:

Claim 21 is amended from

"A method of running a computer entity, said computer entity comprising:

a data storage device divided into a plurality of partition areas;

a primary operating system stored on a first of said plurality of partition areas; and

a secondary operating system stored on a second of said plurality of partition areas;

said method comprising the steps of:

storing as a back up copy a known good pristine copy of the primary  
operating system on a third of said plurality of partition areas; and

storing patch data representing a portion of code which replaces a portion of  
said primary operating system on said third partition area." to read,

"A method of running a computer entity, said computer entity comprising:

a data storage device divided into a plurality of partition areas;

a primary operating system stored on a first of said plurality of partition areas; and

a secondary operating system stored on a second of said plurality of partition areas;

said method comprising the steps of:

restoring the primary operating system stored on the first partition area by  
using the secondary operating system stored on the second partition area;

storing as a back up copy of said a known good pristine copy of the primary  
operating system on a third of said plurality of partition areas; [[and]]

storing patch data representing a portion of code which replaces a portion  
of said primary operating system on said third partition area[[]]; and


applying the patch data to the primary operating system stored on the third  
partition area after the restoring step has been performed."

Any inquiry concerning this communication or earlier communications from the  
examiner should be directed to Gabriel L. Chu whose telephone number is (571) 272-  
3656. The examiner can normally be reached on weekdays between 8:30 AM and 5:00  
PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's  
supervisor, Robert W. Beausoliel, Jr. can be reached on (571) 272-3645. The fax  
phone number for the organization where this application or proceeding is assigned is  
703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gc

  
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